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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

KATHLEEN VENTIMIGLIA, individually, and  
as the Guardian Ad Litem for STEPHEN  
VENTIMILIA and KELLIE VENTIMILIA,

Plaintiff,  
vs.

UNITED STATES OF AMERICA,  
CHAMBLIN-LANDES CONSTRUCTION,  
INC., a California corporation, and DOES 1-  
50, inclusive,

Defendants.

Case No.: C07 05481 RS

**NOTICE OF NON-OPPOSITION TO  
PLAINTIFFS' MOTION FOR LEAVE TO  
FILE FIRST AMENDED COMPLAINT**

DATE: September 17, 2008  
TIME: 9:30 A.M.  
DEPT: Courtroom 4, 5<sup>th</sup> Floor  
JUDGE: Magistrate Judge  
Richard Seeborg

COMPLAINT FILED: October 26, 2007

NOTICE IS HEREBY GIVEN that Defendant, CHAMBLIN-LANDES CONSTRUCTION, INC., pursuant to Civil Local Rule 7-3(b), states that it does not oppose Plaintiffs' Motion for Leave to File First Amended Complaint. Defendant requests that it not be required to file an answer to the First Amended Complaint.

DATED: August 28, 2008

EMERSON, COREY, SORENSEN,  
CHURCH & YOHMAN

By /s/ James D. Emerson  
James D. Emerson  
Attorneys for Defendant,  
CHAMBLIN-LANDES CONSTRUCTION, INC.